

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

IMO INDUSTRIES, INC.,)
)
Plaintiff,)
v.)
)
SEIM S.R.L.,)
SETTIMA MECCANICA S.R.L., and)
INNOVATIVE CONTINENTAL)
EQUIPMENT, LLC,)
Defendants.)
_____)

Case No.: 3:05-CV-420-MU

**NOTICE OF
DISMISSAL**

Pursuant to FED. R. CIV. P. 41(a)(1), Plaintiff, by and through the undersigned attorney, hereby notifies the Court and all parties to the above captioned case that Plaintiff dismisses without prejudice this action against SETTIMA MECCANICA S.R.L., Defendant. Each party shall bear its own costs and fees.

Respectfully submitted,

s/Russell M. Racine

Jason S. Miller (NC Bar No. 27374)

Russell M. Racine (NC Bar No. 33,593)

Attorneys for Plaintiff

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**CERTIFICATE OF
SERVICE**

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I certify that on 03 October 2006, I served a copy of the below listed documents upon the other parties in this action through the CM/ECF system at kurt.lindquist@nelsonmullins.com, bruce.rose@alston.com, evan.sauda@nelsonmullins.com

Documents Served:

1. **Notice of Dismissal**

Respectfully submitted,

s/Russell M. Racine
Jason S. Miller (NC Bar No. 27374)
Russell M. Racine (NC Bar No. 33,593)
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